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JOINT COMMITTEE ON OFFICES OF PROFIT

FIFTH REPORT

(SECOND LOK SABHA)

(Presented on the 27th March, 1962)

LOK SABHA SECRETARIAT
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JOINT COMMITTEE ON OFFICES OF PROFIT

Composition of the Joint Committee

Shri C. R. Pattabhi Raman—*Chairman*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Premji R. Assar
4. Dr. K. B. Menon
5. Shri Radheshyam Ramkumar Morarka
6. Shri Hirendra Nath Mukerjee
7. Shrimati Uma Nehru
8. Shri Radha Charan Sharma
9. Shri H. Siddananjappa
10. Shri Rameshwar Sahu

Rajya Sabha

11. Diwan Chaman Lall
12. Shri T. S. Avinashilingam Chettiar
13. Shri M. Govinda Reddy
14. Dr. Raj Bahadur Gour
15. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

REPORT OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

I

INTRODUCTION

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf present this their Fifth Report.

2. Subsequent to the presentation of the Fourth Report to the House on the 6th September, 1961, the Committee held one sitting on the 24th March, 1962 and considered 100 memoranda regarding composition, functions etc. of the Committees constituted by the Government of India and State Governments and the emoluments and allowances paid to their members.

3. Detailed information regarding constitution, composition, functions etc. of the Committees and emoluments and allowances paid to their members was supplied by the respective Ministries/ Departments of the Government of India and State Governments on request made by the Lok Sabha Secretariat.

4. The Committee considered and adopted the Report on the 24th March, 1962.

5. The recommendations of the Committee in respect of Government Committees, Boards etc. examined by them are given in the succeeding paragraphs.

II

COMMITTEES, BOARDS ETC., APPOINTED BY GOVERNMENT OF INDIA AND STATE GOVERNMENTS

6. The Committee consider that functions of the Committees, Boards etc., mentioned in Appendix I are such that Chairmen thereof should not be exempted from disqualification and recommend that they should be included in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

7. The Committee feel that the functions of the Committees, Boards etc., specified in Appendix II are such that both Chairman and Secretaries thereof should not be exempted from disqualification and recommend that they should be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

8. The Committee are of opinion that functions etc. of the Committees specified in Appendix III are such that their membership, chairmanship or secretaryship ought not to disqualify.

C. R. PATTABHI RAMAN,

Chairman,

Joint Committee.

NEW DELHI;

The 24th March, 1962.

APPENDIX I

Committees, Boards etc., recommended to be included in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

(*Vide* para 6 of the Report)

UNDER CENTRAL GOVERNMENT

1. Life Insurance Corporation of India.
*2. Standing Commission for Scientific and Technical Terminology.

UNDER STATE GOVERNMENTS

Assam

*State Evaluation and Implementation Committee.

Punjab

Art Purchase Committee.

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*Recommended for inclusion in Part I of the Schedule to the Act as the Chairman is entitled to a salary.

APPENDIX II

Committees, Boards etc., recommended to be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

(*Vide* para 7 of the Report)

UNDER STATE GOVERNMENTS

Assam

Board of Examiners for Boilers Attendants.

Punjab

1. Board of Industries, Punjab.
2. District Loan Advisory Committee.
3. Small Committee for distribution of copper quota, Jagadhri.

UNDER UNION TERRITORIES ADMINISTRATIONS

Andaman and Nicobar Islands

1. Lay out Committee.
2. Low Income Group Housing Committee.

Tripura

Local Council for Training in Vocational Trades, Tripura.

APPENDIX III

Committees whose Membership, Chairmanship or Secretaryship ought not to disqualify

(*Vide* para 8 of the Report)

UNDER CENTRAL GOVERNMENT

1. Advisory Committee for Hospital for Mental Diseases, Ranchi.
2. Advisory Committee to advise the Central Government in the matter of utilisation of the income from the Countess of Dufferin's Fund.
3. Board for inspection of voluntary institutions to whom Central Grants were given for combating T. B., Leprosy, Cancer etc.
4. Central Committee for Food Standards.
5. Central Medico-Legal Advisory Committee.
6. Central Prohibition Committee.
7. Central Wage Board for Jute Industry.
8. Central Wage Board for Tea Plantation Industry.
9. Committee on Labour Management Cooperation.
10. Consultative Committee of the Ministry of Information and Broadcasting for advice on censorship matters.
11. Demographic Advisory Committee.
12. Expert Committee on Anthropology and Sociology for Hindi Equivalents of technical terms.
13. Expert Committee on Electrical and Engineering terms.
14. Expert Committee on Literary Criticism.
15. Governing body of the All India Institute of Mental Health, Bangalore.
16. Leprosy Advisory Committee.
17. Local Committees to supervise Prize Bonds Draw.
18. Medical Council of India.
19. Music Audition Committee, Films Division.

20. Regional script Committees for Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Tamil, Telugu and Urdu.
21. Selection Committee appointed for the award of prizes to the best clinics and Family Planning Welfare Workers.
22. Selection Committee appointed for the award of prizes, with a view to select best photographs, paintings and cartoons for posters.
23. Standing Committee of the Family Planning Board.
24. Steering Group on Wages.
25. Technical Committee Employees' Provident Fund.

UNDER STATE GOVERNMENTS

Assam

1. Advisory Board of the Sericulture Training Institute of Titabar.
2. Advisory Board on Housing under Plantation Labour Act.
3. Assam Land Reforms Board.
4. Central Committee for the State to deal with unemployment problems in Tea Gardens.
5. Committee to probe into the causes of growing lawlessness in the tea gardens.
6. Education Advisory Board.
7. Labour Welfare Board.
8. State Coordinating Committee regarding major projects.

Bihar

1. Bihar State Post War Services Reconstruction Fund Committee.
2 Film Production Advisory Committee.
3. Publication Advisory Committee.
4. State Ex-Servicemen Benevolent Fund Committee.
5. State Flag Day Celebration Committee.
6. State Tourists Advisory Committee.

Madras

1. Artificial Rain Making Committee.
2. Committee of Direction for the work and orientation scheme
3. Local Advisory Committees for each Industrial Training Institute|Centre.

4. Selection Committee for admission in the industrial training institutes|centres.
5. State Oil Seeds Committee.
6. State Sugarcane Advisory Committee.
7. State Tourists Traffic Advisory Committee.

Punjab

1. Advisory Board of Economic Inquiry, Punjab.
2. Committee to discuss the implementation of scheme regarding inclusion of social service in the J.B.T. Course.
3. Committee to recommend changes, if any, to be made in Hindu Succession Act, 1956.
4. Consultative Committee on Punjab Shops and Commercial Establishments Act, 1958.
5. District Employment Advisory Committees of Hoshiarpur, Rohtak, Gurgaon, Ferozepur, Jullundur, Amritsar, Kangra and Karnal.
6. Divisional Harijan Welfare Boards for Jullundur, Ambala and Patiala Divisions.
7. Evaluation and Implementation Committee of Awards etc.
8. Large Scale Industries Advisory Board.
9. National Cadet Corps Selection Boards (Army Wing, Girls Division, Air Wing and Naval Wing).
10. Non-official Committee to consider allegations of corruption.
11. Punjab Advisory Board of Education.
12. Punjab State Board of Physical Education and Recreation.
13. Punjab State Industries Advisory Committee.
14. State Advisory Board for Small Savings.
15. State Advisory Committee for Finance Department.
16. State Advisory Committee for Printing and Stationery Department.
17. State Advisory Committee for the Central State Library, Chandigarh.
18. State Advisory Committee for the Department of Agriculture and Animal Husbandry.
19. State Advisory Committee for the Forests and Games Department.
20. State Advisory Committee for the Jails Department.
21. State Advisory Committee for the Planning Department.

22. State Advisory Committee for the Police Department, Passports, Press Laws, Arms Laws, Requisition Policy, Cinema regulations and Public prosecutions.
23. State Advisory Committee for the Punjab P.W.D., B&R/ P.H. Branches.
24. State Advisory Committee for the Revenue Department (Excluding Forest, Excise and Taxation and Consolidation of Holidings).
25. State Advisory Committee on Education.
26. State Board of Audio Visual Education.
27. State Emergency Relief Advisory Committee.
28. State Harijan Welfare Board.
29. State Labour Advisory Board.
30. State Labour Advisory Committee.

UNDER UNION TERRITORIES ADMINISTRATIONS

Andaman and Nicobar Islands

1. Advisory Board of Tribal Welfare.
2. Coordination Committee for the development of Small Scale Industries.
3. Emergency Relief Committee.
4. Inter-departmental Committee for coordination of Cooperative Activity.
5. Survey Committee in regard to the Rural Water Supply.

Himachal Pradesh

1. Advisory Committee for the Himachal Pradesh Hospital Snowdon, Simla.
2. District Committee on Employment at the Employment Exchanges, Nahan, Sirmur District.
3. Himachal Pradesh Council for Women's Education.

Tripura

1. Advisory Board for Housing of Tea Plantation Workers.
2. District Employment Advisory Committee.
3. Evaluation Committee regarding implementation of agreements etc.
4. Labour Welfare Advisory Board.

MINUTES OF THE JOINT COMMITTEE ON OFFICES OF PROFIT

Twenty-fifth Sitting

The Committee met from 15·00 hours to 16·20 hours on Saturday, the 24th March, 1962.

PRESENT

Shri C. R. Pattabhi Raman—*Chairman*

MEMBERS

Lok Sabha

2. Dr. M. S. Aney
3. Shri Radheshyam Ramkumar Morarka
4. Shrimati Uma Nehru

Rajya Sabha

5. Dr. Raj Bahadur Gour
6. Shri Rajendra Pratap Sinha.

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up for consideration Memorandum No. 645 regarding the request of the Ministry of Education for reconsideration of the recommendation of the Committee re: Kendriya Hindi Shikshana Mandal (constituted by the Ministry of Education) which the Committee, in their Second Report *vide* para 7 read with item 16 of Appendix II of the Report had recommended for inclusion in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959. The Ministry of Education had stated:

> "According to the Rules of the Mandal, the authority competent to appoint the Chairman is the Government of India in the Ministry of Education. However, once the appointment is made, it appears, that the Government of India has no control over his continuation as Chairman, as under Rule 7 the Chairman is to hold office for a term of 5 years and the Government of India is not competent to remove him. In the circumstances the office of the Chairman cannot, on the basis of the opinion of the Attorney

General, be regarded as an office under the Government of India. It is, however, for the President to decide, on the advice of the Election Commission, if a question arises and reference is made under Article 103 of the Constitution, whether the office of the Chairmanship would be an office under the Government of India. In the event of the President holding that this is an office under the Government of India, it has further to be considered whether it is an office of profit. Under the terms of appointment, Members of Parliament are not entitled to any remuneration but they are allowed Travelling allowance and Daily allowance. Travelling allowance is allowed by way of incidental expenses for rail journeys and road mileage at the rates admissible to Grade I Officers: Daily allowance is allowed at the rate of Rs. 12/8/- per day for the days of the meeting and also for the preceding and following days. It is possible to contend that incidental expenses at the rate of 12 pies per mile would leave some profit to the Chairman although the daily allowance may be regarded as reasonable. If, therefore, the incidental expenses are reduced to actual incidental expenses not exceeding the amount calculated at the rate of 12 pies per mile, most likely the Chairmanship, even if held to be an office under the Government of India, would not be regarded as an office of profit under Government and no disqualification would be attached to the Member of Parliament appointed as Chairman of the Mandal."

The Committee noted that Rule 13 of the Kendriya Hindi Shikshana Mandal Rules provided that members of the Mandal held office during the pleasure of the nominating authority. Section 16 of the General Clauses Act, 1897, provided that power to appoint included power to remove unless there was a different intention. The Committee, therefore, felt that the contention of the Ministry that once the Chairman was appointed he could not be removed by the Government till the expiry of his term of 5 years, and, therefore, the office of the Chairman of the Mandal could not be regarded as an office under the Government of India, was not correct. On a reference made to the Ministry of Education, the Ministry further stated:

"The Ministry of Law to whom the matter was referred are of the opinion that the provisions of Rule 13 of the Kendriya Hindi Shikshana Mandal's rules equally apply in the case of Chairman of the Mandal also *i.e.* the Government of India are competent to remove the Chairman like other members of the Mandal."

The Committee were of the view that the Kendriya Hindi Shikshana Mandal was recommended for inclusion in Part II of the Schedule to the Act not because of the remuneration to which the Chairman was entitled but because of the fact that the body performed lot of executive functions and wielded patronage. The Committee accordingly felt that their recommendation in respect of this body did not require any revision.

3. The Committee then took up for consideration Memoranda Nos. 601 to 644 and 646 to 700 circulated by the Secretariat regarding the composition, functions etc. of the various Committees, Boards appointed by the Government of India and State Governments.

4. The Committee felt that the composition and functions of the four bodies (listed in Appendix I to the Report) were such that Chairmen thereof should not be exempted from disqualification and that recommendation should be made for including them in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

5. The Committee were of the view that the composition and functions of the seven bodies (listed in Appendix II to the Report) were such that Chairmen and Secretaries thereof should not be exempted from disqualification and that recommendation should be made for including them in Part II of the Schedule.

6. The Committee came to the conclusion that the eighty-eight bodies (listed in Appendix III to the Report) were such that their membership, chairmanship or secretaryship ought not to disqualify.

7. The Committee then considered the draft Report and adopted it.

8. The Committee decided that the Report might be presented to Lok Sabha on the 27th March, 1962, and laid on the Table of Rajya Sabha on the same day.

9. The Committee authorized the Chairman and, in his absence, Dr. M. S. Aney to present the Report on their behalf to Lok Sabha.

10. The Committee authorized Dr. Raj Bahadur Gour and, in his absence, Shri Rajendra Pratap Sinha to lay the Report on the Table of Rajya Sabha.

The Committee then adjourned.

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